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PATENT COOPERATION TREATY

PCT/DE2003/003529



# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference W1.1982PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/003529	International filing date (day/month/year) 23 October 2003 (23.10.2003)	Priority date (day/month/year) 31 October 2002 (31.10.2002)
International Patent Classification (IPC) or national classification and IPC B41F 27/12		
Applicant KOENIG & BAUER AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>9</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>5</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 15 April 2004 (15.04.2004)	Date of completion of this report 28 February 2005 (28.02.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/003529

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 2-19 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ 1 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 04 December 2004 (04.12.2004)
- ☒ the claims:  
 pages \_\_\_\_\_ 6 (part), 7-16 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ 1-5, 6 (part), 17-33 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 04 December 2004 (04.12.2004)
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/4-4/4 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
 These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. \_\_\_\_\_ 34, 35 \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☒ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1, 2, 6-8, 9-11, 13-29

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

Amendments

The amendments submitted with the letter of 1 December 2004 introduce subject matter which, contrary to the requirement of PCT Article 34(2) (b), goes beyond the disclosure in the international application as filed.

The amendments in question are as follows:

In the amended claim 1 the applicant has used the generalised term "soldering", which is inconsistent with the original disclosure in claim 28 and in the description, page 7, lines 23 to 27.

The original application is limited to **hard soldering under vacuum**.

Supplemental Box  
(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3

Lack of unity of invention

1. The Examining Authority has determined that the international application contains multiple inventions that are not linked by a single general inventive concept (PCT Rule 13.1), as follows:
  - I. Claims 1, 2 and 6 to 8  
Attachment of a profile element with corrosion protection.
  - II. Claims 3 to 5  
Welding process.
  - III. Claims 9 to 11 and 13 to 29  
Depth of a profile element.
  - IV. Claim 12  
Arrangement of two profile elements
  - V. Claims 30 to 33  
Corrosion-resistant edge.

2. The reasons for this are as follows:

DE-A-196 11 642 (document D1), which is the closest prior art, discloses a process for producing a rotational solid that has all the features specified in the preambles of independent claims 1 and 3, and a rotational solid that has all the features specified in the preambles of independent claims 9, 11 and 30. Thus all the features which are common to all the independent claims (claims 1, 3, 9, 12 and 30) are already known from D1.

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Box IV.3

None of the **five** inventions in the present application necessarily has even just one of the essential features of any of the other inventions. The following essential features are claimed:

- *First invention:*

Bonding of profile element followed by corrosion protection via additional covering or protective layer.

- *Second invention:*

Application of material to opposing groove walls by welding.

- *Third invention:*

Depth of a profile element.

- *Fourth invention:*

Two mutually spaced profile elements in a cylinder groove.

- *Fifth invention:*

Groove edge made of corrosion-resistant material.

3. The **five** inventions have no link in the form of a technical inter-relationship (PCT Rule 13.1) involving one or more of the same or corresponding special technical features in **all** the independent claims.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1, 2, 6-8, 9-11, 13-29	YES
	Claims		NO
Inventive step (IS)	Claims	1, 2, 6-8, 9-11, 13-29	YES
	Claims		NO
Industrial applicability (IA)	Claims	1, 2, 6-8, 9-11, 13-29	YES
	Claims		NO

## 2. Citations and explanations

1. FIRST INVENTION: claims 1, 2 and 6 to 81.1 Independent claim 11.1.1. Prior art

DE-A-196 11 642 (document D1), which is cited in the description, discloses a process for producing a rotational solid that has all the features specified in the preamble of independent claim 1

1.1.2 Problem addressed

To provide a process for producing a rotational solid for a printing machine.

1.1.3 Solution

The specific combination of all the features of independent claim 1, especially the application of a corrosion-resistant protective layer and the attachment of a cover made of a corrosion-resistant material, as specified in the characterising part of claim 1, is neither known from nor suggested by the prior art. An inventive step can therefore be acknowledged (PCT Article 33).

1.2 Dependent claims 2 and 6 to 8

Dependent claims 2 and 6 to 8 define advantageous embodiments of the production process with all the features specified in independent claim 1.

2. SECOND INVENTION: claims 9 to 11 and 13 to 292.1 Novelty and inventive step2.1.1 Independent claim 92.1.1.1 Prior art

DE-A-196 11 642 (document D1), which is cited in the description, discloses a rotational solid that has all the features specified in the preamble of independent claim 9.

2.1.1.2 Problem addressed

To provide a rotational solid for a printing machine.

2.1.1.3 Solution

The specific combination of all the features of claim 9, especially the specific depth of the profile element in relation to the cylinder groove, as specified in the characterising part of claim 9, is neither known from nor suggested by the prior art. An inventive step can therefore be acknowledged (PCT Article 33).

2.1.2 Dependent claims 10, 11 and 13 to 29

Dependent claims 10, 11 and 13 to 29 define advantageous embodiments of the rotational solid with all the features specified in independent claim 9.

2.2 Clarity

2.2.1 The application fails to meet the requirements of PCT Article 6 because independent claim 9 is not clear.



2.2.2 It would appear from the description (page 1, first paragraph and third paragraph (statement of the problem addressed)) that the following feature is essential to the definition of the invention:

Rotational solid for a printing machine.

Independent claim 9 does not include this feature and therefore fails to meet the requirement of PCT Article 6 in conjunction with PCT Rule 6.3(b), according to which an independent claim must include all the technical features that are essential to the definition of the invention.